

**Minutes of the Waukesha County Criminal Justice Collaborating Council  
Pretrial Subcommittee  
Tuesday, July 14, 2009**

The meeting was called to order at 11:37 a.m.

**Subcommittee Members Present:** Chair JoAnn Eiring, Martin Binn, Diane Kelsner, Mike Giese, Dave Falstad, Sam Benedict, Sara Carpenter and Brad Schimel

**Also Present:** Rebecca Luczaj and Karen Phillips.

**Approve Minutes of February 10, 2009.**

MOTION: Binn moved, second by Kelsner, to approve the minutes of February 10, 2009. Motion carried by unanimous consent.

**Update on WCS Pre-Trial Programs: Outcomes for January through June 2009**

Eiring distributed the following handouts. She and Carpenter reviewed the information as outlined in the reports.

- *WCS PRETRIAL SERVICES – WAUKESHA OWI PROGRAM, OWI Summary Report for period 1/1/2009 to 6/30/2009*
- *WCS Waukesha Pretrial Status Report From 1/1/2009 To 6/30/2009*

In response to questions by the members, Eiring and Carpenter clarified the scope of the Non Compliant category. Benedict addressed issues with regard to completed/non completed treatment status. Kelsner discussed a case that exemplified reasons why an individual refused treatment upon advice of counsel, yet was classified as non compliant. Discussion on this issue continued at length. Kelsner commented that it would be helpful if the WCS reports contained legends/definitions in order to alleviate any misinterpretations of the information. Also debated was the method used to determine the Failure to Appear (FTA) rate. Carpenter suggested looking at Counties similar to Waukesha County and compare the FTA rates.

**Update on OAR Legislative Changes & Impact on OAR Program**

Changes to OAR legislation, effective July 1, 2009, have decriminalized OAR penalties not associated with OWI convictions. OAR's not related to OWI offenses are now municipal violations. This will have a significant impact on the OAR Program. Luczaj said after speaking with Vrakas, she and other County staff met with WCS and came up with a tentative plan. Vrakas had suggested we work with the municipal courts to implement a pilot program to make referrals to the County for the OAR Program. Because Eiring is a Town of Brookfield municipal judge, she stated that she would talk with some of the other municipal court judges to determine a level of interest in working on a pilot program. After the pilot program (possibly one year in length), the municipal courts would need to pick up partial funding or full funding of the OAR Program. Luczaj said if the judges are not in favor of the plan, the program will probably need to be phased out by the end of the year.

Luczaj stated one concern for the County is the potential for the increase of municipal offenders in the Waukesha County Jail. Discussion continued regarding ways to avoid the impact on the jail. Benedict suggested this situation needs to be monitored for any significant increases in municipal holds.

Kelsner reviewed the statistical information as outlined on Charts 1, 2 and 3 of the handout. She discussed the possible impact of the new legislation on the Circuit Court by looking at past filings, numbers of pending OAR's, violations filed per year, and OAR violations that are not OUI related.

Eiring reviewed the handout titled *Wisconsin Community Services, Inc. Waukesha County OAR Program Statistics Report 1/1/2009 – 6/30/2009*, as outlined. Carpenter added that WCS sees value in continuing the OAR Program, as OAR offenders are often the most irresponsible and greatly benefit from the program.

### **Update on Transport Service Options to Reduce FTA Rate for OAR Defendants**

Luczaj recapped the discussion from the previous meeting regarding Judge Foster's suggestion to provide transport service for OAR defendants. She reviewed the pros and cons of a private transportation contract versus public transportation (via the Waukesha/Milwaukee Express Route 901), as outlined on the handout titled *Research on Transportation To/From Milwaukee & Waukesha to Reduce the FTA Rate*. The private transportation contract would be cost prohibitive. Using the public transportation is a much more cost effective option. The main drawback is that the closest drop off point is just over one mile away from the Courthouse. Luczaj stated she would follow up Judge Foster and inform her of the findings.

### **Discuss Mapping of OWI Fast-Track Process to Examine Efficiencies**

Kelsner provided background information from the recent Data Workgroup meeting. The workgroup was reconvened at the request of the CJCC Executive Committee to address the ongoing issues within the Data Warehouse and create some structure for dealing with data questions/problems.

Kelsner discussed the need to map data collection and input processes in order to find ways of improving certain areas of data capture functions. Areas to focus upon would include lockups and OWI fast-track processing, which are extremely labor intensive processes. She discussed examples of issues to be examined from the perspective of a number different of departments and law enforcement agencies involved in the processes.

Schimmel stated he would not want to commingle the OWI fast-tracks with the lockups. Kelsner advised that the intent would not be to undermine the current programs or the existing efficiencies, but only to make improvements.

Kelsner said that in doing the data mapping, the data workgroup is looking to identify areas for improvement and give some relief to all of the offices involved in these processes, including Courts, the District Attorney's Office, Sheriff's Department and the Jail. She explained the concept of forming a corresponding group that would focus on streamlining the processes and reexamining procedures in efforts to find ways of improving efficiencies. While the Data Workgroup would come up with questions, the other group would look at those questions and determine whether they could be addressed. She suggested that a few more people would be needed to assist with this project. Benedict expressed willingness to participate - it would be beneficial to periodically review the processes. Luczaj stated the CJCC received a Byrne Grant which will fund technical assistance from the Public Policy Forum beginning about October 1. Perhaps this project would be something the Public Policy Forum could assist with. Discussion continued covering a range of scenarios from departmental perspective. Schimmel suggested contacting Captain Russ Jack at the Waukesha Police Department for input from the law enforcement perspective.

### **Update on Pretrial Monitoring of Felons on EM through Day Report Center**

This item was not discussed. This is an ongoing issue that would be discussed by a group of individuals outside of this meeting.

### **Next Meeting Date**

- Tuesday, September 15, 2009 @ 11:30 AM.

In the absence of objections, the meeting adjourned at 1:04 p.m.